

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JAN -9 AM 10:26

08 MJ 006?

CLERK'S OFFICE
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Magistrate Docket No. 08 MJ 006?
 Plaintiff,) BY DEPUTY
 v.)
 Homero PUENTE-Garcia,) COMPLAINT FOR VIOLATION OF
) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States
)
 Defendant)

The undersigned complainant, being duly sworn, states:

On or about **January 8, 2008** within the Southern District of California, defendant, **Homero PUENTE-Garcia**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

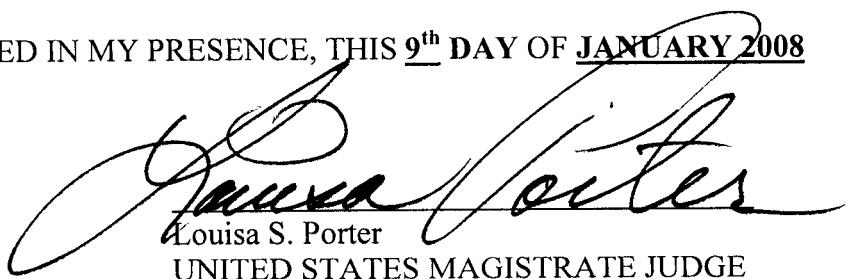
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9th DAY OF JANUARY 2008



Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

* **CONTINUATION OF COMPLAINT:**
Homero PUENTE-Garcia

PROBABLE CAUSE STATEMENT

On January 8, 2008, SIG/CAS Agents conducted surveillance at 3rd Avenue in Chula Vista, California based on information received that an previously deported criminal alien later known as the defendant **Homero PUENTE-Garcia** was back in the United States illegally and possibly working and being employed. At approximately 7:50 a.m., Agents Soto, Blas and Cacho observed a man matching the description and likeness of the defendant, exiting a car located in front of the business. Agents Soto, Blas and Cacho approached the individual and identified themselves as United States Border Patrol Agents. Agents questioned the defendant as to his identity and his immigration status. The defendant stated that he was in fact Homero PUENTE-Garcia. Agents asked the defendant about his citizenship and nationality. The defendant stated that he was born in Nayarit, Mexico. Agents questioned the defendant if he had any immigration documents that would allow him to remain in the United States legally. The defendant stated that he did not.

At approximately 8:00 A.M., the defendant was arrested and transported to the Chula Vista Border Patrol Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on September 12, 2005 through Otay Mesa, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.